

RCRA REVISION CHECKLIST 195

Inorganic Chemical Manufacturing Wastes Identification and Listing

66 FR 58258-58300; 67 FR 17119-17120

November 20, 2001; April 9, 2002

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

This rule is promulgated under both HSWA and non-HSWA authorities. The listings of K176 and K177 are promulgated under HSWA authorities. The land disposal restrictions promulgated in this rule are also issued under HSWA authorities. These requirements, with the exception of the application of the land disposal restrictions to K178, will go into effect in all States, including authorized States, on the effective date of this rule. The listing of K178 is promulgated under non-HSWA authorities and will only become effective in an authorized State when the State amends its regulations to include this listing and receives authorization. For States without authorization, the listing of K178 goes into effect on the effective date of this rule. While all land disposal restrictions are adopted under HSWA authorities regardless of the statutory authority for the corresponding waste listing, the treatment standards and prohibitions for K178 will not have immediate regulatory effect. This is consistent with prior rules establishing LDR requirements for new, non-HSWA lists. The treatment standards and prohibitions for K178 only take effect when EPA authorizes State regulations listing K178 wastes.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A – GENERAL

EXCLUSIONS

unchanged even though included in this rule	261.4(b)(15)					
1,† remove “and”; after “K172” insert “,K174, K175, K176, K177, and K178,”; remove “(February 8, 1999)”	261.4(b)(15)(i)					

**RCRA REVISION CHECKLIST 195: Inorganic Chemical Manufacturing
Wastes Identification and Listing (cont'd)**

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unchanged even though included in this rule	261.4(b)(15)(ii)-(iv)					
† replace “After” with “As of”; replace “will” with “derived from K169-K172 is”; remove “be” after “longer”; insert new 2 nd sentence “After November 21, 2003, leachate....to discharge”; insert “(b)(15)(v)” after “paragraph”	261.4(b)(15)(v)					

SUBPART D – LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup “Inorganic chemicals” in alphanumeric order	261.32					
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Industry and EPA hazardous waste No.	Hazardous Waste	
* * * *	* * * *	* * * *
Inorganic chemicals:		
* * * *	* * * *	* * * *
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(T)
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process	(T)
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APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

**RCRA REVISION CHECKLIST 195: Inorganic Chemical Manufacturing
Wastes Identification and Listing (cont'd)**

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add to appendix in alphanumeric order, the following waste streams	261 Appendix VII					

Hazardous constituents for EPA hazardous waste No. which listed											
*	*	*	*	*	*	*	*	*	*	*	*
K176	Arsenic, Lead.									
K177	Antimony.									
K178	Thallium.									
*	*	*	*	*	*	*	*	*	*	*	*

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS – INORGANIC CHEMICAL WASTES

add new paragraph; effective May 20, 2002, wastes K176-K178, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.36(a)					
add new paragraph; requirements of 268.36(a) do not apply if:	268.36(b) intro					
wastes meet treatment standards specified in 268 subpart D;	268.36(b)(1)					

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exemption from a prohibition pursuant to petition under 268.6, with respect to wastes and units covered by the petition;	268.36(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.36(b)(3)					
hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.36(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.36(b)(5)					
add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.36(c)					

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

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2 add in alphabetic order, new entries for K176-178 as shown at 66 <u>FR</u> 58298- 58299	268.40/Table					

† Optional

¹ While the November 20, 2001 rule, as amended on April 4, 2002, added K174 and K175 wastes (as well as K176-K178) to 40 CFR 261.4(b)(15)(i), the rule does not discuss the Agency's rationale for adding these two K wastes. Regulatory specialists at the RCRA Hotline related that the addition of K174 and K175 is not an error. These two wastes were added to the hazardous waste listings in the November 8, 2000 rule (65 FR 67068; Revision Checklist 189). At that time, EPA deferred the addition of K174 and K175 wastes to the exclusions at 40 CFR 261.4(b)(15)(i). The Hotline believes the Agency has made a decision to add the wastes to the exclusions with the current rule, even though this is not explained in the preamble.

² While the November 20, 2001 rule, as amended on April 4, 2002, reprints footnotes 1-5 and 11 to the table at 40 CFR 268.40, the footnotes are reprinted without change.